HOUSE . . . . . No. 5113

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

October 17, 2008.

To the Honorable Senate and House of Representatives:

Pursuant to the provisions of Article II, Section 8, Paragraph 1, Clause (2) of the Amendments to the Constitution, as amended by Article LXXXIX, I am filing for your consideration the attached legislation entitled, "An Act Validating The Actions Taken By The Town Of Webster Open Town Meeting And Establishing A Charter For The Town Of Webster."

Senator Moore, Representative Kujawski and the Webster board of selectmen request that I file this home rule legislation to change Webster's form of government to an open town meeting officially and to ratify all actions taken since the Webster annual town election in May 1992. The need for this legislation stems from a mistake on the town's 1992 annual town election ballot, which presented two charter revision questions, but the question summaries directed voters to the same single charter revision in violation of G.L. c. 43B, §11. Unaware of this legal problem until recent years, the town has operated as if Webster validly voted to change to an open form of town meeting since the 1992 annual election. Accordingly, absent special legislation the town's governance actions over the last sixteen years and prospectively are clouded by this mistake and vulnerable to legal challenge. This bill resolves those problems and allows the people of Webster to move forward.

I urge your early and favorable consideration of this bill.

Respectfully submitted,

DEVAL L. PATRICK,
Governor.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

AN ACT VALIDATING THE ACTIONS TAKEN BY THE TOWN OF WEBSTER OPEN TOWN MEETING AND ESTABLISHING A CHARTER FOR THE TOWN OF WEBSTER.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding any failure to comply with chapter 43B of the General Laws in amending the charter of the Twon of Webster to create an open town meeting form of government, or of any other general or special law to the contrary, the Town of Webster shall have an open town meeting form of government and the acts and proceedings taken by the town of Webster at all annual and special town meetings held since the May 4, 1992 annual town election, and all actions taken pursuant thereto, are hereby ratified, validated and confirmed.

SECTION 2. The charter entitled, "Charter of the Town of Webster, May, 2008," which charter is on file with the town clerk, under which the town has been operating since the May 4, 1992 annual town election and which reflects amendments to the town charter made from 1987 through the present time, shall be ratified, validated and confirmed as the charter of the Town of Webster. Said charter may be amended or revised from time to time by any means available under the General Laws or the state constitution.

SECTION 3. This act shall take effect upon its passage.

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